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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/964,092      | 09/26/2001  | Gero Baese           | 112740-324          | 3005             |

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EXAMINER

ENG, GEORGE

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2643

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/964,092

**Applicant(s)**

BAESE ET AL.

**Examiner**

George Eng

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Objections*

2. Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 7 contains the same limitations as defined in claim 5 and depending on claims 5 and 6, which fails to further limit the subject matter of a previous claim.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-14 and 16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Brust et al. (US PAT. 6,650,999 hereinafter Brust).

Regarding claim 1, Brust discloses a method for finding a vehicle (KFZ, figure 1) comprising the steps of determining vehicle position data using a positioning determining device (NAVS, figure 1) at the vehicle and transferring the vehicle position data to a mobile radio terminal (MT, figure 1). See col. 2, line 55 through col. 3, line 65.

Regarding claims 2-3, Brust discloses the step of determining vehicle position data being performed by a satellite navigation system, or distance sensors and direction of travel sensors (col. 2 line 57 through col. 3 line 22).

Regarding claim 4, Brust discloses the step of transferring the vehicle position data determined at the vehicle to a service center (TMEM, figure 3). See col. 9, lines 28-52.

Regarding claims 5-6, Brust discloses the steps of transferring data based on position data from the mobile radio terminal to a service center, generating data based on the position data at the service center, and transferring the generated data back to the mobile radio terminal, wherein the video position data are transferred to a service center via one of a mobile radio or bluetooth (col. 10 lines 37-54).

Regarding claims 7-8, the limitations of the claims are rejected as the same reasons set forth in claims 5-6.

Regarding claim 9, the limitations of the claim are rejected as the same reasons set forth in claims 5-6.

Regarding claims 10-12, Brust discloses the step of superimposing data comprising electronic map data of the position data generated at the service center, wherein the data comprising the electronic map data comprises one of a map of a multi-story parking garage, a parking lot or a town and the data transferred back to the mobile radio terminal comprises at least

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one of direction information, distance information and turning instruction (col. 6 lines 3-34 and col. 10 lines 16-54).

Regarding claim 13, Brust discloses a device for determining the position of a vehicle (KFZ, figure 1) comprising position determining means (NAVS, figure 1) for determining the position of the vehicle mounted on the vehicle (KFZ, figure 1) and a transmitter (TRMS, figure 1) for transmitting the vehicle position data representing the position of the vehicle generated by the position determining means to a mobile radio terminal (MT, figure 1). See col. 2, line 55 through col. 3, line 65.

Regarding claim 14, Brust discloses a position information server (TMEM, figure 3) for use in a vehicle location system, wherein vehicle position data generated on a vehicle (KFZ, figure 3) is transmitted to a mobile radio terminal (col. 2, line 55 through col. 3, line 65), the position information server comprising a transmitting and receiving unit (R/T, figure 3) for receiving position data transmitted by one of the vehicle (KFZ, figure 3) or a mobile radio terminal (MT, figure 3), and for transmitting data based on the position data to the mobile radio terminal (col. 9 line 28 through col. 10 line 54).

Regarding claim, 16, Brust discloses the transmitting and receiving unit (R/T, figure 3) of the position information server (TMEM, figure 3) being mobile radio based (col. 9 lines 34-52).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brust et al. (US PAT. 6,650,999 hereinafter Brust) in view of Treyz et al. (US PAT. 6,526,335 hereinafter Treyz).

Regarding claim 15, Brust discloses to the transmission link of the transmitting and receiving device being a local wireless link or a wide distance communication link (col. 10 lines 4-9). Although Brust does not specifically teaches the transmitting and receiving device being bluetooth based, it is old and notoriously well known in the art of utilizing Bluetooth technology to provide point-to-point and point-to-multipoint wireless connectivity between devices within a specific radius from each other, i.e., a short local wireless link, because it provides short range communication between device without require a separate module, with its associated expense and size, to existing devices, for example see Treyz (col. 11 lines 24-37). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brust in having the transmitting and receiving device being bluetooth based, as per

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teaching of Treyz, because it provides short range communication between device without require a separate module, with its associated expense and size, to existing devices.

### *Conclusion*


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Uhimann et al. (US 2003/0191583) discloses a vehicle based navigation system including a position locator for establishing geographic position of the vehicle and a map database located external to an remote from the vehicle (abstract). Philips (US 2003/0055560) discloses a method for locating a vehicle (entire patent). McCurdy (US PAT. 6,340,928) discloses to use Bluetooth technology for communicating between a cellular phone and an emergency station mounted in a vehicle (col. 2 lines 6-56). Grounds et al. (US 2001/0034577) discloses a vehicle mounted device and a method for transmitting vehicle position data to a network-based server (abstract).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
George Eng  
Primary Examiner  
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